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WESTLAKE FINANCIAL SERVICES

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

WESTLAKE SERVICES, LLC d/b/a  
WESTLAKE FINANCIAL SERVICES; ,

Plaintiff,

vs.

CREDIT ACCEPTANCE  
CORPORATION,

Defendant.

Case No. 2:15-cv-07490 SJO (MRWx)

**JOINT STIPULATION TO  
CONTINUE PRETRIAL AND TRIAL  
DATES; [PROPOSED] ORDER**

Honorable S. James Otero

Complaint Filed: September 24, 2015

1 The parties, through their counsel, submit this stipulation to request the Court to  
2 continue the pretrial and trial dates and hereby stipulate as follows:

3 A. On January 3, 2016, the Court entered an Order stating that “The Court  
4 encourages the parties to file an appropriate stipulation concerning remaining deadlines.”  
5 (Dkt. 90 at 5). In so doing, the Court agreed that it would be “fundamentally unfair” to  
6 require service of expert reports before “the benefit of significant fact discovery” and  
7 stated that it would be “willing to entertain” a stipulation extending the time for Credit  
8 Acceptance to file a motion for summary judgment so long as resolution of the motion  
9 would not occur on the eve of trial. (*Id.* at 4).

10 B. Under the Court’s scheduling order entered on June 6, 2016 (Dkt. 55), the  
11 current pretrial deadlines and trial date in this matter are as follows: (1) the discovery  
12 cutoff is February 16, 2017; (2) the motion cutoff is March 13, 2017; (3) the Pretrial  
13 Conference is May 1, 2017; and (4) the jury trial is set for May 16, 2017.

14 C. In the only seven months since entry of the scheduling order, the parties have  
15 worked diligently in an attempt to complete discovery by the current February 16, 2017,  
16 discovery cutoff. Credit Acceptance has produced 207,089 pages of documents of which  
17 98.6 percent of those pages were produced in mid-November 2016. Credit Acceptance has  
18 provided responses and objections to 25 interrogatories (the limit absent leave of the court)  
19 and 41 requests for admission. Westlake has produced 50,226 pages of documents,  
20 including 28,511 pages on January 3, 2017. Westlake has provided responses and  
21 objections to 7 interrogatories and 24 requests for admission and is due to provide  
22 responses and objections to 10 more interrogatories by mid-January.

23 D. Given the size and timing of the parties’ document productions and that the  
24 parties continue to meet and confer regarding the adequacy of document productions and  
25 written discovery responses, depositions have not yet occurred (although they are  
26 scheduled to commence on January 18-19, 2017, with a Federal Rule of Civil Procedure  
27 30(b)(6) deposition of Credit Acceptance and depositions of two Credit Acceptance  
28 employees). Thus, despite the parties’ diligence in conducting discovery, a limited amount

1 of additional time is needed to review and produce documents, prepare for and take  
 2 depositions, meet and confer on written discovery, serve initial and rebuttal expert reports,  
 3 and conduct expert depositions.

4 E. Westlake requests a continuance for the additional reason that its anticipated  
 5 trial counsel, the Blecher, Collins & Pepperman law firm, is withdrawing from the case,  
 6 which will hamper Westlake's ability to efficiently conduct remaining discovery and  
 7 prepare for trial under the current schedule.

8 F. Having met and conferred, the parties agree that in light of the above good  
 9 cause exists for a continuance of the pretrial deadlines and trial date, and that such a  
 10 continuance would be in furtherance of justice by allowing the truth-seeking purpose of  
 11 discovery to be fully served and by ensuring proper consideration of the complex issues in  
 12 this case on the merits, whether at summary judgment or trial. The parties also agree that  
 13 expert discovery should take place following the close of fact discovery, and that concrete  
 14 deadlines regarding expert discovery should be established.

15 G. Westlake's counsel requests a trial date that avoids a calendar conflict for  
 16 Westlake's counsel with a previously scheduled August 21, 2017, trial date in Los Angeles  
 17 Superior Court in Case No. BC558271, which the parties in that matter do not anticipate  
 18 will be continued. Credit Acceptance requests a trial date that avoids a June 2017 trial  
 19 given that two persons identified in both parties' initial disclosures have immovable  
 20 conflicts during that timeframe.

21 H. Neither of the parties have (separately or jointly) made any prior requests for  
 22 a continuance.

23 NOW, THEREFORE, PLAINTIFF AND DEFENDANT STIPULATE THAT:

24 1. Pretrial dates may be set and continued as follows:

- 25 a. Fact Discovery Cutoff: continued from February 16, 2017 to March  
 26 31, 2017.
- 27 b. Deadline for Service of Opening Expert Reports: set for April 7, 2017.
- 28 c. Deadline for Service of Rebuttal Expert Reports: set for May 5, 2017.

- 1 d. Expert Discovery Cutoff: continued from February 16, 2017 to May  
2 26, 2017.
- 3 e. Motion Cutoff of March 13, 2017: vacated and replaced with a  
4 dispositive motion filing deadline of June 2, 2017.
- 5 f. Pre-Trial Conference: continued from May 1, 2017 at 9:00 a.m. to  
6 August 28, 2017 at 9:00 a.m. (or to such other date and time as may  
7 be convenient for the Court).

8 2. The trial date shall be continued from May 16, 2016 at 9:00 a.m. to  
9 September 11, 2017 at 9:00 a.m. (or to such other date and time as may be convenient for  
10 the Court, upon consideration of the parties' stipulation and counsel's above-identified  
11 conflicts.)  
12

13 DATED: January 6, 2017

Respectfully submitted,

14 Ekwan E. Rhow  
15 Timothy B. Yoo  
16 Julian C. Burns  
17 Ray S. Seilie  
18 BIRD, MARELLA, BOXER, WOLPERT, NESSIM,  
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20 By: /s/ Timothy Yoo  
21 Timothy B. Yoo  
22 Attorneys for Plaintiff WESTLAKE SERVICES,  
23 LLC d/b/a WESTLAKE FINANCIAL SERVICES  
24  
25  
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28

1 DATED: January 6, 2017

2 Jason D. Russell  
3 Douglas A. Smith  
4 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

5 By: /s/ Douglas Smith  
6 Douglas A. Smith  
7 Attorneys for Defendant CREDIT ACCEPTANCE  
8 CORPORATION  
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